



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE LOWER MANHATTAN DISASTER SITE  
LITIGATION  
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CARMELO ACEVEDO,

Plaintiff(s),

-against-

ALAN KASMAN DBA KASCO, *et al.*,

Defendant(s).  
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Case No.: 21 MC 102 (AKH)

Docket No.: 07-CV-1453-AKH

**STIPULATION OF  
DISCONTINUANCE AS TO  
DEFENDANT, CDL NEW YORK  
LLC MILLENIUM HILTON,  
ONLY.**

**IT IS HEREBY STIPULATED AND AGREED** by and between the undersigned for the parties herein, that whereas no party herein is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of this action and based on the representation of the within defendant, and to the extent of Plaintiff(s) can so Stipulate that each claim, cross-claim and counter-claim asserted by and against defendant CDL (NEW YORK) LLC i/s/h/a CDL NEW YORK LLC MILLENIUM HILTON, only as to the claims being made as to the premises located at 55 Church Street, New York, New York shall be and the same hereby are discontinued without prejudice and without costs to any party as against the other.

**IT IS FURTHER STIPULATED AND AGREED** that should evidence be discovered throughout the course of the litigation which determines that the MILLENIUM HILTON is a proper party to this suit, that plaintiff(s) may reinstitute the action without regard to the applicable Statute of Limitations, assuming said original action was timely commenced, and in such instance Defendant shall not assert Statute of Limitation as a defense.

This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: New York, New York  
January 30, 2008

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Attorneys for Defendant  
CDL (NEW YORK) LLC i/s/h/a CDL NEW  
YORK LLC MILLENNIUM HILTON,

By: 

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GO ORDERED

6/17/08

